

No. 773, S.]

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CHAPTER 709.

AN ACT to create 71.04 (2a) and 71.05 (2a) of the statutes, relating to amortization of defense facilities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 71.04 (2a) of the statutes is created to read:

71.04 (2a) In lieu of the allowance for depreciation for any taxable year or part thereof beginning after December 31, 1949, the amortization deductions of any emergency facility provided in section 216 of revenue act of 1950 (section 124A of the United States internal revenue code) provided that:

(a) Written notice of election to take amortization of any emergency facility under this subsection is filed with the department of taxation on or before March 15, 1952, or on or

before the filing date of the return for the first taxable year for which an election under this subsection is made with respect to such emergency facility. Such notice shall be given on such forms and in such manner as the department of taxation may by rule prescribe.

(b) The taxpayer files with the department of taxation at the time of his election under this subsection copies of certificates of necessity for such emergency facility issued by the appropriate federal certifying authority, and such other documents and data relating thereto as the department of taxation may by rule require.

(c) No deduction shall be allowed under this subsection on other depreciable property.

(d) In no event shall amortization deductions be permitted for any period beyond that permitted by section 216 of the revenue act of 1950 (section 124A of the United States internal revenue code).

(e) Subsequent to the last amortization deduction of any emergency facility permissible under this subsection, the taxpayer shall deduct a reasonable allowance for depreciation at ordinary and usual rates on such of the depreciable emergency facilities as are continued in use in the business. The total amount of such depreciation subsequently allowable shall be limited to the unamortized balance of such facilities.

SECTION 2. 71.05 (2a) of the statutes is created to read:

71.05 (2a) In lieu of the allowance for depreciation for any taxable year or part thereof beginning after December 31, 1949, the amortization deductions of any emergency facility provided in section 216 of revenue act of 1950 (section 124A of the United States internal revenue code) provided that:

(a) Written notice of election to take amortization of any emergency facility under this subsection is filed with the department of taxation before March 15, 1952, or before the filing date of the return for the first taxable year for which an election under this subsection is made with respect to such emergency facility. Such notice shall be given on such forms and in such manner as the department of taxation may by rule prescribe.

(b) The taxpayer files with the department of taxation at the time of his election under this subsection copies of certificates of necessity for such emergency facility issued by the appropriate federal certifying authority, and such other documents and data relating thereto as the department of taxation may by rule require.

(c) No deduction shall be allowed under this subsection on other than depreciable property.

(d) In no event shall amortization deductions be permitted for any period beyond that permitted by section 216 of the revenue act of 1950 (section 124A of the United States internal revenue code).

(e) Subsequent to the last amortization deduction of any emergency facility permissible under this subsection, the taxpayer shall deduct a reasonable allowance for depreciation at ordinary and usual rates on such of the depreciable emergency facilities as are continued in use in the business. The total amount of such depreciation subsequently allowable shall be limited to the unamortized balance of such facilities.

Approved July 19, 1951.
